

HOUSE BILL 3401
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 10,
Chapter 7, Part 1, relative to public records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 10, Chapter 7, Part 1, is amended by
adding the following language as a new section:

Section 10-7-124.

(a)

(1) Each department and agency of state government may provide computer access and remote electronic access for inquiry only to information contained in the records of that department or agency which are maintained on computer storage media in that department or agency, during and after regular business hours. Such department or agency may charge users of information provided through remote electronic access a reasonable amount sufficient to recover the costs of providing such services and for no other access services. Any such fee shall be uniformly applied. Any department or agency providing remote electronic access to the records of that department or agency shall implement procedures and utilize a system (equipment and software) that does not allow records of that department or agency which may be viewed through remote electronic means to be altered, deleted or impaired in any manner.

(2) For the purposes of this section, a reasonable fee for providing access to the remote electronic access information system shall be an amount sufficient to recover the cost of actually providing such services and no more. When determining a reasonable fee for online access to review records, such fee

and consideration shall not include the cost of storage and maintenance of the records, or the cost of the electronic record storage system.

(3) Nothing in this section shall permit a fee to be charged for records that are viewed, electronic or otherwise, at the locations where they are maintained and stored.

(4) Once a remote electronic access information system is in place, access must be given to all members of the public who desire access to such records, and pay applicable reasonable fees as defined in this section, including those who may use such information for proprietary purposes.

(b) No provision of this section shall be construed to permit remote electronic access to records statutorily defined as confidential records.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.